

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN JESSE LASLOVICH**, on February 1, 2007  
at 8:00 A.M., in Room 303 Capitol.

#### **ROLL CALL**

##### **Members Present:**

President Mike Cooney  
Sen. Jesse Laslovich, Chairman (D)  
Sen. Aubyn Curtiss (R)  
Sen. Larry Jent (D)  
Sen. Carol C. Juneau (D)  
Sen. Dan McGee (R)  
Sen. Lynda Moss (D)  
Sen. Jerry O'Neil (R)  
Sen. Gerald Pease (D)  
Sen. Gary L. Perry (R)  
Sen. Jim Shockley (R)

##### **Members Excused:**

Sen. Carol Williams (D)  
Sen. David E. Wanzenried (D)

**Members Absent:** None.

**Staff Present:** Carol Andersen, Committee Secretary  
Valencia Lane, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 318, 1/29/2007; SB 350,  
1/29/2007; SB 329, 1/29/2007; SB  
348, 1/29/2007; SB 229, 1/29/2007  
Executive Action: SB 266, SB 318

**HEARING ON SB 318**

**Opening Statement by Sponsor:**

00:01:36 SEN. JIM PETERSON (R), SD 15, opened the hearing on SB 318, Extend recreational use immunity to aircraft.

**EXHIBIT(jus22a01)**

**Proponents:**

00:07:58 Rep. Janet Taylor

00:08:24 Sen. John Brueggeman

00:09:03 Chuck Jarecki, Montana Pilots' Association

00:12:15 Debbie Alke, Aeronautics Division, Montana Department of Transportation

**EXHIBIT(jus22a02)**

00:14:00 John Ostlund, Yellowstone County

00:14:25 John McKenna, Bozeman Recreational Aviation Association

**EXHIBIT(jus22a03)**

00:15:50 Jerome Cain

**EXHIBIT(jus22a04)**

00:19:05 Larry Ashcraft, Montana Seaplane Association

**EXHIBIT(jus22a05)**

00:20:31 Mauri Morin, Polson Experimental Aircraft Association

00:23:15 Bill Gallea, President, Montana Pilots' Association

00:23:48 Gloria Hermanson

00:24:09 Wade Cebulski

00:25:04 Chuck Flynn, Montana Pilots' Association

00:25:27 Mike Ferguson, Townsend pilot, AOPA

00:27:25 Brad Vetter, Sleeping Giant Flying Club

[EXHIBIT\(jus22a06\)](#)

**Opponents:**

00:28:31 Al Smith, Montana Trial Lawyers Association

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:40:04 Sen. Perry to Sen. Peterson

00:41:45 Sen. Perry to Debbie Alke

00:42:19 Sen. Perry to Sen. Peterson

**Closing by Sponsor:**

00:45:54 Sen. Peterson

[EXHIBIT\(jus22a07\)](#)

[EXHIBIT\(jus22a08\)](#)

**HEARING ON SB 350**

**Opening Statement by Sponsor:**

00:50:03 **SEN. GARY PERRY (R), SD 35,** opened the hearing on **SB 350,** Crime of tampering with or destroying communication equipment.

**Proponents:**

00:52:45 Judy Wang, Assistant City Attorney, Missoula

[EXHIBIT\(jus22a09\)](#)

00:57:08 Mike Brady, Missoula Police Department

00:58:40 Cynthia Wolken, Attorney

[EXHIBIT\(jus22a10\)](#)

01:00:38 Kelsen Young, Executive Director, Montana Coalition  
Against Domestic and Sexual Violence

[EXHIBIT\(jus22a11\)](#)

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:02:57 Sen. Shockley to Judy Wang

Closing by Sponsor:

01:09:10 Sen. Perry

HEARING ON SB 329

Opening Statement by Sponsor:

01:11:25 SEN. JERRY O'NEIL (R), SD 3, opened the hearing on SB 329, Revise family law.

Proponents: None.

Opponents:

01:14:30 Amy Hall, Attorney, Montana Legal Services

[EXHIBIT\(jus22a12\)](#)

01:26:12 Mike McMahon

[EXHIBIT\(jus22a13\)](#)

01:32:22 Kelsen Young, Family Law Services, Montana Coalition Against Domestic and Sexual Violence

Informational Testimony: None.

Questions from Committee Members and Responses:

01:33:26 Sen. McGee to Amy Hall

Closing by Sponsor:

01:39:10 Sen. O'Neil

**HEARING ON SB 348**

**Opening Statement by Sponsor:**

01:42:26 SEN. STEVEN GALLUS (D), SD 37, opened the hearing on SB 348, Delete appointment of attorney for guardian ad litem.

**Proponents:**

01:44:11 Ed Sheehy, Public Defender

01:46:37 Ann Gilkey, President, Casa House of Montana

**Opponents:** None.

**Informational Testimony:**

01:49:08 Shirley Brown, Child & Family Services

**Questions from Committee Members and Responses:**

01:49:27 Sen. McGee to Sen. Gallus

**Closing by Sponsor:**

01:52:03 Sen. Gallus

01:52:20 Break

02:08:46 Resume

02:09:01 Chair relinquished to Sen. Moss

**HEARING ON SB 229**

**Opening Statement by Sponsor:**

02:08:54 SEN. JESSE LASLOVICH (D), SD 43, opened the hearing on SB 229, Uniform health care decisions act.

**Proponents:**

02:26:59 Pat Melby, Montana Medical Association of Physicians

02:30:29 Beth Brenneman, Montana Advocacy Program

02:35:50 Casey Blumenthal, Montana Hospital Association

02:37:17 Jackie Boyle, AARP of Montana

02:38:35 Gloria Hermanson, Life Center Northwest

**Opponents:** None

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

02:39:53 Sen. McGee to Sen. Laslovich

02:41:33 Sen. McGee to Pat Melby

02:42:41 Sen. O'Neil to Sen. Laslovich

02:48:25 Sen. O'Neil to Pat Melby

02:54:43 Sen. McGee to Sen. Laslovich

02:56:49 Sen. McGee to Casey Blumenthal

**Closing by Sponsor:**

02:59:15 Sen. Laslovich

03:01:16 Sen. Laslovich resumed Chair

**EXECUTIVE ACTION ON SB 266**

03:02:30 **Motion:** SEN. SHOCKLEY moved that SB 266 DO PASS.

**Discussion:**

03:02:41 Sen. Shockley to Valencia Lane, LSD

03:05:05 Valencia Lane

03:05:48 Sen. McGee to Sen. Perry

03:07:40 Sen. McGee

03:07:55 Sen. Shockley

03:09:19 Sen. McGee

03:09:30 Valencia Lane

03:10:06 Sen. McGee

03:11:13 Sen. Moss

03:12:52 Sen. Perry

03:14:24 Sen. Laslovich

03:15:08 Valencia Lane

03:15:14 Sen. Shockley

03:15:46 Sen. Perry

03:15:57 Valencia Lane

03:16:27 Sen. Laslovich

03:17:02 Sen. Shockley

03:18:06 Sen. Laslovich

03:18:34 **Motion:** SEN. MCGEE CALLED THE QUESTION ON SB 266.

03:19:12 **Motion/Vote:** SEN. SHOCKLEY moved that SB 266 DO PASS AS AMENDED. Motion carried 7-5 by roll call vote with SEN. JENT, SEN. JUNEAU, SEN. MCGEE, SEN. MOSS, and SEN. WANZENRIED voting no.

**EXECUTIVE ACTION ON SB 318**

03:21:31 **Motion:** SEN. SHOCKLEY moved that SB 318 DO PASS.

**Discussion:**

03:21:44 **Motion:** SEN. MCGEE moved that CONCEPTUAL AMENDMENTS BE ADOPTED.

**Discussion:**

03:21:53 Valencia Lane, LSD

03:23:15 Sen. Laslovich

**Discussion:**

03:23:28 **Motion/Vote:** Motion carried unanimously by voice vote.  
SEN. WILLIAMS and SEN. WANZENRIED voted aye by proxy.

03:23:49 **Motion:** SEN. MCGEE moved that SB 318 DO PASS AS  
AMENDED.

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**Discussion:**

03:25:50 Sen. Shockley

03:26:30 Sen. Perry

03:26:45 Sen. Laslovich

03:29:27 Sen. Shockley

03:31:01 Sen. Perry

03:33:13 Sen. McGee

03:35:23 Sen. Laslovich

03:36:09 Sen. O'Neil

03:38:06 **Motion/Vote:** SEN. MCGEE CALLED THE QUESTION ON SB 318.  
Motion carried 7-5 by roll call vote with SEN. JENT,  
SEN. LASLOVICH, SEN. MOSS, SEN. PEASE, and SEN.  
WANZENRIED voting no. SEN. WILLIAMS and SEN. SHOCKLEY  
vote aye by proxy

03:39:24 Valencia Lane



**ADJOURNMENT**

Adjournment: 11:40 A.M.

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SEN. JESSE LASLOVICH, Chairman

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CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

**EXHIBIT ([jus22aad.pdf](#))**